

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Case No. 00-181-KI
)	
vs.)	ORDER
)	
RAFAEL MEDINA-ROMERO,)	
)	
Defendant.)	
_____)	

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Pro Se Defendant

KING, Judge:

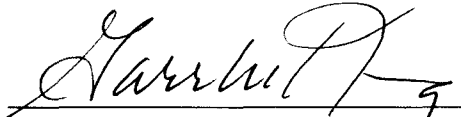
Defendant objects to the imposition of a supervised release term and to whether this court has jurisdiction to revoke his supervised release because of a violation. Defendant was sentenced and I entered an Amended Judgment on February 12, 2002. His expected release date is December 3, 2007. Because defendant is not yet serving his term of supervised release, there is no violation pending. I decline to consider the court's jurisdiction for a revocation when the issue is not yet ripe.

Concerning defendant's contention that I did not have the authority to impose supervised release, I note that defendant cites United States v. Liero, 298 F.3d 1175 (9th Cir. 2002), cert. denied, 537 U.S. 1132 (2003). Liero, however, does not support defendant's argument because it held that the imposition of a supervised release term was *not* unconstitutional under Apprendi v. New Jersey, 530 U.S. 466 (2000). Id. at 1177-78. Moreover, if defendant's motion is interpreted as challenging his sentence under § 2255, it is several years too late. The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") limited the time in which a prisoner could file a § 2255 motion. The motion must be filed within one year of the date on which the judgment of conviction becomes final, or at a later date under a few exceptions which defendant does not argue apply. 28 U.S.C. § 2255.

Accordingly, Defendant's Objections to the Court's Imposition of Probation/Supervised Release is denied.

IT IS SO ORDERED.

Dated this 24th day of September, 2007.


Garr M. King
United States District Judge